

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

(Claims Board Agenda for October 1, 2007, Item f)

CASE NAME	<u>Thomas M. Smith, et al. v. County of Los Angeles</u>
CASE NUMBER	BC 355204
COURT	Los Angeles County Superior Court Central District
DATED FILED	July 11, 2006
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$225,000 and forgiveness of \$91,500 in child support debt
ATTORNEY FOR PLAINTIFF	L. Wallace Pate Law Offices of L. Wallace Pate (310) 203-2210
COUNTY COUNSEL ATTORNEY	Lauren M. Black Senior Deputy County Counsel (213) 974-0695
NATURE OF CASE	This is a case brought by Thomas Marion Smith and his daughter, Melinda P. wherein plaintiffs allege County employees were negligent for failing to notify Mr. Smith of his daughter's dependency status over approximately a ten-year period thereby depriving each of the other's companionship. Plaintiffs claim emotional distress and related special damages caused by Melinda's placement in foster care and corresponding lack of parent-child relationship. The plaintiffs claim that the involved County employees should have known Mr. Smith's whereabouts during this time because the Social Worker assigned to Melinda P.'s case was told by Melinda's mother that she had

received a letter from the Los Angeles County District Attorney's Office indicating that Mr. Smith was making child support payments. The involved Social Worker noted in her file that she had received the information, but no further action was taken. Mr. Smith contends that had he been informed, he would have obtained custody of Melinda thereby obviating the need for foster care.

This case was vigorously litigated, which included significant discovery, several motions to compel, and motions for summary judgment/adjudication filed by the plaintiffs and the County. Due to the risks and uncertainties of litigation, the Department of Children and Family Services and Carl Warren propose a full and final settlement of the County's portion of the case by tendering a lump sum payment in the amount of \$225,000, and forgiveness of Mr. Smith's unpaid child support debt of \$91,500.

PAID ATTORNEY FEES, TO DATE

\$253,429.32

PAID COSTS, TO DATE

\$ 52,837.24